

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22716 of 2021**

Arising Out of PS. Case No.-129 Year-2020 Thana- BARACHATTI District- Gaya

VISHUNDHARI SINGH @ VISHUNDHARI SINGH BHOKTA SON OF
GURUDAYAL SINGH BHOKTA R/O VILLAGE- GAJRA GARH, P.S.-
BARACHATTI, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 06-12-2021 Heard the learned counsel for the petitioner and Sri
Shailendra Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection
with Barachatty PS case no. 129 of 2020 instituted for the
offences punishable under Sections 18, 20, 22 of N.D.P.S. Act.

The allegation is regarding recovery of 1.800 kg
of opium from the house of the petitioner.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case, is having a clean antecedent and
is languishing in custody since 14.01.2021. The learned counsel
for the petitioner has further submitted that the commercial
quantity defined in the Schedule to the N.D.P.S. Act, 1985 is 2.5



kg., hence the petitioner can be given benefit of doubt as far as grant of regular bail to the petitioner is concerned. It is further submitted that the materials available on record would show that the *afim* in question has not been sent to the F.S.L. Laboratory to confirm the fact as to whether the same is Narcotic/ Psychotropic substance.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that by going through the case diary, it appears that all the official witnesses have supported the case of the petitioner forthwith.

I have heard the learned counsel for the parties and perused the materials available on record. A bare perusal of the seizure list would show that the quantity of *afim* recovered is less than the commercial quantity prescribed under the notification issued under the N.D.P.S. Act, 1985 and the petitioner has been languishing in custody since 14.01.2021, thus benefit of doubt can be given to the petitioner for the purposes of grant of bail. Thus, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of



learned court of Sessions Judge-cum-Special Judge (N.D.P.S.
Act), Gaya in connection with Barachatty PS case no. 129 of
2020.

(Mohit Kumar Shah, J)

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